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4. Dead Bodies (§ 9*)—Civil Liability for Illegal Acts.—While it is the common-law duty of one finding a dead stranger upon his premises to give him decent burial, a railroad company, upon whose premises a dead body was found, could not be charged with liability for failing to perform this duty, where the coroner intervened and caused the body to be buried.

[Ed. Note.—For other cases, see 16 Va.-W. Va. Enc. Dig. 361.]

5. Damages (§ 49*)—Right to Damages for Mental Anguish.—There can be no recovery for mental anguish, unaccompanied by actionable physical or pecuniary damages, caused by the wrongful act of another.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 196.]

(*Additional Syllabus by Editor.*)

6. Coroners—View of Body and Burial—Statutes.—Code of Virginia 1904, § 3938, as amended by acts 1910, p. 338, requires the coroner of a county or corporation upon notice of a sudden, violent, unnatural or suspicious death therein, to view the body and make inquiry into the circumstances of the death, and § 3946 requires that in case of a stranger the coroner shall cause the body to be decently buried.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 508.]

7. Coroners—Disturbing Body before Inquest.—While it is not unlawful to disturb a dead body after the coroner has been notified and before his appearance, it is undoubtedly proper in many cases that nothing should be disturbed until the physical facts can be judicially ascertained by the coroner and all available evidence to aid the authorities in determining the cause of death has been secured.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 508.]

Error to Circuit Court of Washington County.

Action by Mrs. S. C. Awtrey against the Norfolk & Western Railway Company. Judgment sustaining the demurrer to the declaration, and plaintiff brings error. Affirmed.

Gilmer & Stant, of Bristol, for plaintiff in error.

Widener & Potts, of Abingdon, for defendant in error.

CONSOLIDATED TRAMWAY CO., Inc., et al. v. GERMANIA
BANK et al.

Sept. 20, 1917.

[93 S. E. 572.]

1. Fraudulent Conveyances (§ 142*)—Reservation of Power of Sale by Mortgagor.—A corporate deed of trust was void as to creditors,

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

where it provided that until default the mortgagor should be permitted to sell, lease, and use the mortgaged franchises and property, provided that, in the event of a sale, the proceeds, other than the rents, issues, and profits, should be reinvested in other property, which should immediately become subject to the conditions of the deed of trusts.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 597, 598.]

2. Fraudulent Conveyances (§ 208*)—Creditors Entitled to Attack—Subsequent Creditors.—Code 1904, § 2458, makes every gift or conveyance with intent to hinder or defraud creditors void as to such creditors. Section 2459 provides that every gift or conveyance, which is not upon a consideration deemed valuable in law, or which is upon the consideration of marriage, shall be void as to creditors whose debts shall have been contracted at the time it was made, but not as to creditors whose debts shall have been contracted after it was made. Held, that while conveyances, void only because voluntary or in consideration of marriage, may be attacked only by existing creditors, conveyances, void under § 2458, because fraudulent, may be impeached by either prior or subsequent creditors.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 617, cited by the Court.]

Appeal from Circuit Court of City of Roanoke.

Suit by the Germania Bank and others against the Consolidated Tramway Company, Incorporated, and others. From a decree in favor of plaintiffs, defendants appeal. Affirmed.

Jackson & Henson, Woods, Chitwood & Cox, and Caldwell & Chaney, all of Roanoke, for appellants.

Hart & Hart and *Horace M. Fox*, both of Roanoke, for appellees.

LOUISVILLE & N. R. CO. *v.* RIELEY.

Sept. 20, 1917.

[93 S. E. 574.]

1. Carriers (§ 253 (1)*)—Carriage of Passengers—Tickets—Function.—While a ticket may, particularly in the case of mileage books, etc., evidence a contract between the carrier and passenger, it is ordinarily and in case of an action for ejection of a passenger by the conductor of the carrier to be considered only as evidence of the passenger's right to transportation.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 696.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.